

REMARKS

Claim 2 is canceled. Claim 5 is amended. Support for the amendment may be found throughout the application as originally filed, for example, paragraphs [0042] and [0043]. No new matter is added.

Rejection under 35 U.S.C. § 103(a)

Claim 5 is rejected under 35 U.S.C. § 103(a) over Stein et al., 1994 (Stein) in view of Servais et al., 2001/GenBank Accession No. CAB86592 (Servais) and Kim et al., 2001 (Kim).

Applicants respectfully traverse the rejection. None of the above references, expressly or impliedly, suggest the claimed invention that (1) the mutation E194G in HIV RT correlates to a change in susceptibility or resistance of a HIV strain to a HIV RT inhibitor and (2) the use of such correlation for evaluating the effectiveness of a HIV RT inhibitor for a second anti-HIV therapy. To specify the invention, Applicants amend claim 5 to recite the step of determining the susceptibility of HIV having the RT mutation E194G to a HIV RT inhibitor which is used for a second anti-HIV therapy.

Stein discloses more than 13 RT mutations from HIV patients, including position 194; see page 115, Abstract, *"Amino acid changes in RT from patients harbouring resistant restrains of HIV-1 were found in positions 60 (Val), 62 (Ala), 93,(Gly), 100 (Phe), 161 (Pro), 173 (Asn), 177 (Glu), 180 (Ile), 181 (Tyr), 182 (Leu), 186 (Asp), 194 (Gln), 196 (Glu), 200 (Ile), 209 (Val), 210 (Trp), 211 (Lys) and 214 (Phe) in addition to those described previously."* Stein does not disclose the step of determining the susceptibility of HIV having the specific RT mutation E194G to a second anti-HIV therapy.

Both Servais and Kim are silent in the step of determining susceptibility of HIV having the RT mutation E194G to a second anti-HIV therapy. Therefore, they do not cure the deficiency of Stein.

Accordingly, claim 5 as amended is not obvious in view of the cited references. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

In view of the foregoing amendment and remarks, allowance of claim 5 is respectfully requested.

Respectfully submitted,

By: __/Yunling Ren/_____

Yunling Ren
Registration No. 47,019

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Phone: 732-524-3385
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YR/YMD